

MINUTES

**LANDMARKS PRESERVATION
ADVISORY BOARD
OAKLAND, CA 94612**

**LANDMARKS PRESERVATION
ADVISORY BOARD MEMBERS:**

**Christopher Andrews, Chair
Peter Birkholz
Stafford Buckley
Eleanor Casson
Frank Flores
Nenna Joiner**

**March 14, 2016

Regular Meeting 6 PM
City Hall, Sgt. Mark Dunakin
Hearing Room 1
1 Frank H. Ogawa Plaza
Oakland, California 94612**

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A. ROLL CALL

**Board Members present: Andrews, Birkholz, Buckley, Flores, Joiner
Board Members absent: Casson (excused absence)
Staff present: Betty Marvin, La Tisha Russell**

B. OPEN FORUM – Naomi Schiff, Oakland Heritage Alliance (OHA) – invited everyone to visit the Lou Kern Stairmaking Studio on Saturday, March 19th in Oakland. A self-taught craftsman and master woodworker, Mr. Kern has built more than 500 unusual and unique staircases in his 26 year career. His projects are notable for their artistic quality and detail.

Annalee Allen, Oakland Urban Paths and Oakland Tours – announced Women’s History Month events. A walking tour this Saturday, March 19th will begin at the African American Library and Museum (AAMLO) and end at the Joyce Gordon Galley, which will have on display quilts made by the Afro-American Quilters Guild. AAMLO will host a variety of events including a display of Quilted Coats honoring the Civil Rights Movement and a book signing with author Juliana ‘Jewels’ Smith. The main library presents “For the Advancement of Women: the Women’s Club Movement in Oakland,” speaker Kathleen DiGiovanni. The Melrose Library is hosting a Scavenger Hunt in honor of Women’s History Month, with a special display of books, media and artwork. The Library will also be celebrating its centennial soon and Ms. Allen will keep everyone posted.

C. APPROVAL OF MINUTES – moved by Flores, seconded by Birkholz, approved unanimously. (Casson abstained).

D. LANDMARK OF THE MONTH or other features of interest

1. Landmark of the Month - none

**2. Study of Preservation Element (adopted goal for 2015)
Chapter 4, Incentives and Regulations, discussion led by Board member Frank Flores - postponed**

E. NEW BUSINESS - Action Items

1. Laurel Theater, 3814 MacArthur Blvd - PDHP, OCHS preliminary rating Db-2+

Information report regarding Case File Number: PLN15297, application to demolish and replace Laurel Theater building with a two-story 13,757 square foot retail and medical office building. Applicant: David Kim with Harriman Kinyon Architects; anticipated occupant Davita Dialysis. Regular Design Review for new construction, approved Dec. 4, 2015; no appeal filed within 10 day appeal period. Case Planner Michael Bradley, (510) 238-6935, mbradley@oaklandnet.com

Michael Bradley, Case Planner – gave an information report on the proposed project, the Laurel Theater located on the corner of MacArthur Blvd. and Brown Ave. The proposal is to construct a new 35 foot high two story commercial building with ground floor retail or restaurant spaces along with a second floor medical facility and 23 off street parking spaces.

The proposed design has a combination of exterior materials including plaster panels, brick, fiber cement boards, framed windows, metal upper awnings, fabric lower awnings and a variation of colors consistent with the design review guidelines. The existing on-site building to be demolished is a Potential Designated Historic Property (PDHP) and a contributor to an Area of Secondary Importance (ASI – Laurel Commercial), with a rating of Db2+.

Planning staff had urged the applicant to investigate re-use of the theater; its narrow entry and sloping interior floors made that impractical. To create a viable ground floor retail space to meet the CN-2 zoning, the current proposal was the most suitable option, and the design quality of the replacement project would have to be found equal to that of the original structure and compatible with the character of the neighborhood. Findings for the Design Review, Category 3 Historic Property Demolition findings and CEQA infill development findings were all made for the proposed project.

BOARD COMMENTS/QUESTIONS

Board Member Flores – asked about the dates and timing of the pre-application, meetings with staff and applicant, community outreach meetings, staff approval and when the demolition notice was filed.

Michael Bradley – the pre-application was filed on March 3, 2015, there were 3-4 meetings with staff and the applicant, the applicant held community meetings with the Laurel Neighborhood district, staff approved the proposed project on September 18 and it went to public notice on October 23. The demolition notice was posted on December 4 to run for 90 days with a Condition of Approval requiring an attempt to find someone to relocate the building (there were no takers). The Approval Letter was submitted on Dec. 4 and the appeal period ended Dec. 14.

Board Vice-Chair Birkholz – asked about the inventory form that was attached from 1998. He wanted to know if a supplemental historic review was done on the building to verify if the conditions had changed enough for a re-evaluation, such as whether the rating of the building changed. **Bradley** – we reviewed the project with staff planner Betty Marvin. No formal outside source was used.

Betty Marvin – it might be a Cb2+ but that's putting too much weight on the ratings. It would be the same Category 3 demo findings as a Db2+ because of the Area of Secondary Importance (ASI). The primary record we prepared as a place holder for things the field survey identified as contingency A's or

B's or straight A's and B's that hadn't been formerly surveyed. We have a research packet on it but it has never taken the form of a written report because that's never been in our work program.

It was designed by Alexander Cantin in 1938, we've seen the original plans, it's been stripped down but you can't miss what it is. It's what a Db rating tells you, that this is something of major importance, a 'B', a neighborhood theater and namesake, but it's been beat up. But the question is more about use than significance. When you can turn the 1901 Christian Science Church into a dress shop or you can convert the Fox Theater auditorium into a number of flat levels, obviously with enough money and determination anything can be turned into anything, but there has to be political and economic will.

Birkholz - wondered if the CEQA exemption is appropriate, if there was enough historic research done that we could clarify that there is no impact. **Marvin** - I'm not sure that any documentary research would change it from what it is. It's possible a thorough *physical* investigation could come up with some creative re-use strategies, again if a property owner was seriously motivated in that direction.

Board Chair Andrews - why was this project not considered important for us to look at? Is there a hard and fast line, is it the Db rating? **Marvin** - the hard and fast line is significant changes to designated landmarks and S-7 district properties. The Board can advise on preservation on anything, but there isn't automatic referral. In a sense, the LPAB is a useful hammer for planning staff because we can broadly refer advice on preservation. So it's possible to say, would you like to restore this PDHP and have your permit today, or would you like to discuss your proposal with the LPAB.

Andrews - in the staff report findings, it talks about the new building being of equal or higher design quality. When this has come up before us, we've actually had some impact in terms of working with architects and developers on that. How is that standard established and enforced where it's not coming up before the public review? **Bradley** - it went to public notice, a 300 ft radius of all property owners of the site, findings for demolition and the design review were all made on the project.

Andrews - in the report it says that this design is of equal or better quality, but I don't get any language that actually defines what that means beyond those words that must meet our standards of how we do this. **Bradley** - the first version of the plans was strictly for ground floor medical service facility, but in the CN2 that requires a Conditional Use Permit for non-retail use. After working with the applicant on several revisions of the plans, we were able to get the medical facility up to a second floor to create the four viable ground floor 15ft high retail spaces, bring the building all the way out to the corner and tuck the parking behind and beneath the building, which is what the neighborhood was looking for, and it seemed to be the direction that was most suitable for the site.

Andrews - it makes sense in terms of the use for the building and obviously an improvement, but I'm looking at the Finding 1 submittal requirements, are we giving equal weight to Findings 1 & 2?

Marvin - technically you only need one of the three findings. Finding 1 is equal or better design quality, Finding 2 is that the use is more beneficial and compatible with the neighborhood and Finding 3 is that the existing building is undistinguished, which no one is considering. **Andrews** - regarding Finding 1, where is a discussion of the design in terms of visual or design value, quality of surface materials, composition, construction detail and architectural integrity? I did not see anything in the report that addresses these items with the new building. **Bradley** - in the decision letter, Finding 1 was made.

Board member Buckley - wanted to know the status of the demolition permit why this item is coming to the LPAB now. **Bradley** - the permit hasn't been issued yet due to the 90 day waiting period.

Andrews – it was a public request from the February LPAB meeting. The staff and the applicant made a determination that this item did not meet the mandatory standards to come to us.

David Kim, Applicant & Architect, Harrison Kinyon Architects – before the pre-submittal, we worked with both Michael and Betty, and looked at the existing building. We received information on the history of the building to see how we could incorporate and re-use the marquee element and the existing structure. It wouldn't work, in terms of the structure and the sloping floors. We felt that this was the best way to accommodate the needs of the community. We did speak with the Laurel District Association and received a lot of positive feedback on the development of the project.

Flores –the two story masonry matches the rest of the block. Are the ground-floor spaces truly retail or does the dialysis clinic take over the whole building? Also, after the public notice went out, was there other outreach besides the Laurel community? **Kim** – the intent was to make it look retail not to bring so much attention to the clinic. The back end of the building with the stucco and the glass wall will be the entry for the clinic, going up an elevator. We wanted the Macarthur Boulevard elevation to look retail, keeping the character of the neighborhood and not make it branded as a clinic.

Board member Joiner – asked how many parking spaces will be for the patients, how many for the retail businesses, will the over flow congest the neighborhood and will there be area decals for residential parking. **Kim** – 1/3 of the patients will drive themselves to the clinic for their treatment, 1/3 will be brought by family members and another 1/3 will be transported by medical vans. **Scott Miller, Zoning Manager** – this project isn't big enough to generate the need to issue a residential parking program, if it's not already in place. The 23 spaces that are there is the minimum requirement by code for the dialysis clinic and the retail space. Between the 23 spaces and the on street parking that's available, it shouldn't make a negative impact on the neighborhood. **Joiner** – how would the neighborhood petition for residential parking? **Miller** – it's handled through the Public Works Department with a percentage of the neighborhood agreeing to initiate the petition.

PUBLIC COMMENTS/QUESTIONS

Naomi Schiff, Oakland Heritage Alliance (OHA) - would like all notices sent to OHA on any building that's over 50 years old and has a historic rating. They did not see the Applications on File (AOF) from 10/23/15. Old theaters give neighborhoods a sense of self and shouldn't be taken lightly. OHA would have appreciated a chance to weigh in but weren't involved in any of the conversations. Shocked to hear that this has been going on since March. When a historic property is involved, should be a 1,000ft notice instead of 300ft. When LPAB passed the demolition findings, the idea was to get buildings actually better than which had to be demolished. I don't believe this building gives the neighborhood a sense of self in the way that the theater has done. Granted it's suffered a lot of neglect and bad treatment but we are going to have dull streets if we tear down idiosyncratic and interesting structures like this.

Amelia Marshall, Laurel resident – still shocked and flabbergasted that this has happened. The City has not been very diligent in its outreach to the public; during the time of the notice, she was completely unaware. The Laurel District Association, a handful of local small business people were notified but they did not reach out to the rest of the public. There is huge disconnect in plopping this ugly, big brown building on that corner with the Laurel School one block away. There's a lot of traffic coming and going at key times; morning, afternoon and evening. If this deal goes forward, this building will be sitting with its driveway pointing toward the Kentucky Fried Chicken (KFC) franchise across Brown Street, which is quite narrow, you're going to have the patient transport vehicles backed up, it's not going to enhance the neighborhood. What can we do to prevent this from happening in another situation, an historic building or another neighborhood, if the rating games are being played the way

City historian Betty has outlined for us. This was done on the sly without any neighborhood input and at this stage of the game we might not be able to turn it around but it's really wrong and it's going to mess up our beautiful neighborhood.

BOARD COMMENTS/QUESTIONS

Joiner – wanted to know the size of each retail space. **Bradley** – all the spaces are 900 sq ft. each.

Buckley – two of our speakers didn't hear about this project when it was in process. What would be the action that we could take to see that more notices are set up in the neighborhood and seen by the interested parties to get a sense of what's coming a little sooner. **Marvin** – noticing is done by the Zoning division. The mailings are to property owners based on the County Assessor's database. It should be pretty straight forward to mail to occupants too, but that's Planning Department procedure. **Miller** – we are looking at the potential to notice tenants in addition to property owners, that's in the work plan, no decision has been made yet. Apologized to OHA members and others that have an interest in this theater who felt they didn't have adequate notice and an opportunity to respond. There were 85 notices from the Applications on File (AOF) 300ft list along with a number of other subscribers notified by mail in October 2015; AOF is on the City's website; the 18 x 24 yellow sign was posted on the property. This was a relatively lengthy process for this size project from the pre-application in March 2015 through December 2015. It was not '*truncated*'. He will work with administrative staff and OHA representatives to make better outreach plans. With 25 percent of the buildings in Oakland being potential designated historic properties, it would be difficult to specially notify OHA and LPAB about every permit on every one of them.

Board discussed how they would like to be notified. They will be subscribed to the AOF's weekly mailing list.

Joiner – has concerns about the impact the construction will have on the neighborhood, is there a parking management plan and will signs be put in place for that purpose? **Bradley** – the Conditions of Approval include a construction management plan and Bill Quesada, Zoning Inspector, reviews each phase of the construction process including vehicle parking and delivery schedules.

Andrews – this theater served as an urban landmark in the community and this current building does not have that same quality, which staff didn't make a point of. An early design proposal was to build a new marquee; enhancing the awnings and the cornice, making them more articulated, might at least echo that there had been a landmark here, so that in 50 years someone might want to save this building. Andrews also noted that this item was brought before the LPAB as information only, it has gone through the appeals process and no other administrative Board is involved, staff has final authority.

2.	<p>Location: Area bounded by 27th Street to the north, I-980 to the west, the Jack London waterfront to the south and Lake Merritt to the east</p> <p>Proposal: Downtown Oakland Specific Plan and Environmental Impact Report</p> <p>Applicant: City of Oakland Business Mix; Central Business District; Community Commercial; EPP Light Industry 1; EPP Mixed Use District; EPP Off-Price Retail District; EPP Parks; EPP Planned Waterfront Development 1; EPP Planned Waterfront Development 4; EPP Produce Market; EPP Retail Dining Entertainment 1; EPP Retail Dining Entertainment 2; EPP Waterfront Commercial Recreation 1; EPP Waterfront Mixed Use; EPP Waterfront Warehouse District; General Industry and Transportation; Neighborhood Center Mixed Use; Urban Park and Open Space; Urban Residential</p> <p>General Plan:</p> <p>Zoning: C-40, C-45, CBD-C, CBD-P, CBD-R, CBD-X, CC-1, CC-2, CC-3, CIX-1A, CIX-1B, D-LM-2, D-LM-4, D-OTN, IG, M-20, M-30, M-40, OS (LP), OS (NP), OS (RCP), OS (RCA), OS (SU), R-80, RU-3, RU-4, RU-5, S-2,</p> <p>Environmental Determination: An EIR will be prepared as part of the Downtown Oakland Specific Plan.</p> <p>Historic Status: 52 Landmarks, 21 Areas of Primary Importance (API); 27 Areas of Secondary Importance (ASI)</p> <p>Service Delivery District: Metro, 1 & 3</p> <p>City Council District: 2, 3</p> <p>Status: Ongoing</p> <p>Action to be Taken: Forward</p> <p>Staff Recommendation: Provide feedback on the historic resource findings and specific plan mechanisms contained in the Plan Alternatives Report for consideration by the Oakland Planning Commission</p> <p>Finality of Decision: N/A</p> <p>For Further Information: Contact Strategic Planning Manager Ed Manasse at 510-238-7733 or emanasse@oaklandnet.com Project email address: plandowntownoakland@oaklandnet.com Project website: www.oaklandnet.com/plandowntownoakland</p>
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Board Vice-Chair Birkholz – recused himself from this item.

Alicia Parker, Case Planner – gave a PowerPoint presentation on the proposed Downtown Oakland Specific Plan. The plan covers a fairly large area, from 27th Street to the north, I-980 and Brush Street to the west, the Jack London estuary waterfront to the south, and Lake Merritt and Channel to the east. Through a series of community meetings and public workshops, citizens have been encouraged to be involved at every step of the planning process. The initial centerpiece of the public participation process was a design charrette held over a 10-day period in October 2015. A series of tours, stakeholders meetings, surveys, and community workshops were held that provided opportunities for group brainstorming and input. Well over 200 people attended each of the public meetings held before and during the charrette.

Ms. Parker went over some of the key issues regarding the plan, which included affordability, equity, open space, recreation, connectivity, economic development, and historic resources (including designated landmarks and Areas of Primary Importance). The Downtown area is a mix of old and new, large-scale and smaller structures, office and housing uses, historic and modern structures, significant entertainment and retail enterprises, which creates a diversity of building types that gives Downtown Oakland a character of its own.

The reason for the plan now is the growing population of Oakland and the affordability crisis with the hot real estate market. Downtown Oakland is the economic engine that runs the city. It is well served by transit with both BART and AC Transit and possibly future streetcars down Broadway. Downtown is more appropriate for intense development than other neighborhoods. The plan is extremely diverse and the purpose is to analyze existing conditions, summarize community input and provide drafts of the visions goals which will preserve character, maintain diversity and grow strategically.

Ms. Parker asked the LPAB for comments to be included in her staff report to Planning Commission.

BOARD COMMENTS/QUESTIONS

Joiner – asked how the Equity Component works. The loan process should support *all* small businesses regardless of the type of business it is; grant money for signage; ‘Black Arts District’ needs to be better defined; need to address impact on businesses during construction. **Parker** – aims to develop a menu of best practices for addressing displacement, affordability, how to support people that have been Downtown all through the disinvestment period, tangible recommendations for supporting small local businesses, technical support and navigating the business environment; we have programs in place now with the Economic Development Division, the Plan seeks to make it better.

Buckley – would like to see more effort knitting West Oakland and Downtown Oakland together. As it stands now, it’s reinforcing that dividing line between the two. **Flores** – had an issue with the Press Building not being mentioned on the City Landmarks list and were there any other buildings not listed.

Andrews – asked about the ‘holistic approach to preservation’ and what it meant. **Parker** – in the Chinatown/Lake Merritt Station and the Broadway-Valdez specific plans, we were very intentional in pulling out character defining features of the buildings and various districts. **Andrews** – asked about the graphics of the 15th Street “shared space”: the buildings in the drawing all look traditional or mimicking past styles. Is the Plan explicitly recommending incorporating character defining features from historic or traditional buildings? **Parker** – it’s a little bit of both, further down the line design guidelines will be more specific about the types of buildings that will be used.

PUBLIC COMMENTS/QUESTIONS

Naomi Schiff, Oakland Heritage Alliance (OHA) and downtown business owner since 1981 “in historic buildings” presented OHA’s comments. The “cultural assets” map should be removed; OHA appreciates the consideration of transferable development rights; infill shown in Old Oakland is too tall; construction on top of the 25th Street Garage District is inappropriate; there is no mention of Lower Broadway and its “small but significant buildings” other than a new development shown at PG&E on the waterfront; the project at Schilling Gardens has not yet been approved so the garden should not be shown as a development site; “visionary scenes” like the 15th Street rendering are not consistent with known current projects for the sites; the Estuary Policy Plan “is honored in complete breach.” In general, though, the plan looks good so far and OHA hopes the orientation toward preservation continues.

Flores – a lot of buildings are overlooked: please do look at Lower Broadway. Developers are going to be looking at these maps to scale their projects. “Well on its way to being a usable readable document.”

Andrews – the attention to cultural resources, equity, and preservation reflects what was done in the West Oakland plan. The actual projects shown on p. 2.19 look very different from the historicist buildings in the consultants’ renderings. If the Plan is recommending historicism and repudiating modern design, that needs to be explicit and sets up a dialogue on how to incorporate character-defining features. “Portland somehow has new buildings with some level of detailing.”

F. OLD BUSINESS - None

G. BOARD REPORTS –Joiner – noticed a portrait of Calvin Simmons when on tour of the Kaiser Auditorium. It is in safe keeping with Public Works; she would like for it to be gifted to AAMLO.

H. SUB-COMMITTEE REPORTS - None

I. ANNOUNCEMENTS

Training opportunities – OHP is offering a workshop in Benicia on Friday 3/18.

J. SECRETARY REPORTS

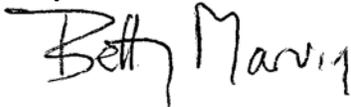
Kwik Way sign – **Marvin** noted that the old Merritt Bakery sign had been brought over to the new location at the Grand Lake/Kwik Way/Park Way.

K. UPCOMING

L. ADJOURNMENT at 8:10 pm.

Minutes prepared by La Tisha Russell and Betty Marvin

Respectfully submitted,

A handwritten signature in black ink that reads "Betty Marvin". The signature is written in a cursive, flowing style.

Betty Marvin, Historic Preservation Planner